



July 14, 2009

Via Hand Delivery and E-mail

Mr. Jim McLean, Chairman and  
Mr. Rick Bernhardt, Executive Director  
Metro Planning Commission  
800 Second Avenue South  
Nashville, Tennessee 37201

RE: *Scottsboro/Bells Bend Detailed Design Plan Alternative Development Area Policy and  
May Town Center Specific Plan Zone Change Application for May Town Center*

Dear Chairman McLean and Executive Director Bernhardt:

Please allow this letter to expand and elaborate upon my previous letter, dated July 8, 2009, in which, among other grounds, we set forth the changed conditions and new information that are among several causes for a rehearing of the above-referenced matter pursuant to Section VI (K) of the Rules and Procedures of the Metropolitan Planning Commission.

More specifically, as raised in the earlier letter, the changed conditions and/or new information relate directly to the issue of the project's density and the concerns related thereto as expressed by one or more Planning Commission Members during the period of discussion and debate just prior to voting to amend the Scottsboro/Bells Bend Detailed Design Plan concerning the Alternative Development Area ("ADA").

During the course of that discussion and debate on the ADA, one or more Planning Commission Members voiced concerns about the density of the project, known as May Town Center and embodied in the SP, suggesting that they felt that the project was too dense.

The issue of density appeared to be a critical factor to one or more Planning Commission Members. Unfortunately, however, information regarding the Applicant's willingness and flexibility to address issues of density was not brought before the Commission. As set forth in the letter dated July 8, 2009, the Applicant is agreeable to addressing these concerns and reducing the density of the project. At the election of the Planning Commission, options may include (1) deleting Phase V in its entirety or; (2) reducing the total square footage of commercial space and the number of residential units and hotel rooms by 15%. These options are not exclusive, but represent two examples of alternative density proposals acceptable to the Applicant. Most fundamentally, the Applicant is prepared to accommodate Commission concerns with respect to this issue.

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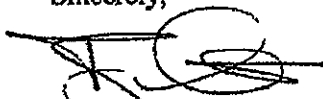
This information was not before the Commission when deliberating on the above-referenced matters. Based on its relevance to the overall matter before the Commission, as well as the direct relevance to the questions raised during deliberations on the ADA, we respectfully request this significant new information be brought to the attention of the Planning Commission and provide the basis for a rehearing on the ADA and the SP.

That a rehearing on both the ADA and the SP is the appropriate course is apparent from the manner in which the original deliberation and voting unfolded. Virtually all of the Commission's discussion took place in the context of debate on the ADA—including the discussion of density—at which time, "May Town" was frequently referenced and cited as the basis for the deliberations. Issues of all sorts were raised in those discussions, regardless of whether they were more technically suited to debate on the SP application. Discussion of the two matters before the Commission—the ADA and the SP—were so combined and integrated as to be one seamless discussion prior to the series of votes on the ADA. Indeed, discussion was virtually non-existent when the SP came up for a vote. It is overwhelmingly clear that, as a practical matter, the votes on the ADA were functionally votes on the SP as well. Indeed, the votes on the ADA were, in effect, treated as disposing of all matters before the Commission.

For the above-referenced reasons, we respectfully submit that a rehearing in which new information is brought before the Planning Commission shall include a reconsideration of both the ADA and the SP. We have other information and materials supporting our request for a rehearing that we would be pleased to provide the Metro Planning Commission if desired.

Thank you for your consideration of this request.

Sincerely,



Tony Giarratana